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SH 2306811

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- Suspect Viera's and Witness [redacted] criminal filing sheet
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- In-services from night of shooting
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COUNTY OF LOS ANGELES
SHERIFF'S DEPARTMENT
A Tradition of Service

DATE: January 25, 2013
FILE NO:

OFFICE CORRESPONDENCE

FROM: MICHAEL J. ROTHANS, COMMANDER
FIELD OPERATIONS REGION II

TO: ALICIA E. AULT, CAPTAIN
INTERNAL AFFAIRS BUREAU

SUBJECT: EXECUTIVE FORCE REVIEW COMMITTEE FINDINGS:

Case Number:	SH2306811
Incident:	Non-Hit Shooting
Incident Date:	February 13, 2012
Unit:	Pico Rivera Station
Suspect:	Angel Viera, MH/07-10-1974
Involved Employees:	Deputy Cuauhtemol Gonzalez, #[redacted]
EFRC Date:	January 24, 2013

The Executive Force Review Committee consisting of Commander Michael Rothans, Commander David Fender, and Commander Buddy Goldman met and reviewed the above case.

FORCE POLICY RELATING TO INCIDENT:

Department members may use deadly force in self-defense or in the defense of others, only when they reasonably believe death or serious physical injury is about to be inflicted upon themselves or others.

FINDINGS:

While on routine patrol on Maris Avenue in the City of Pico Rivera, known to be a "Pico Viejo" gang area, the deputy observed a vehicle blocking a driveway with tinted windows and two occupants in it. As the deputy passed the vehicle, he noticed the male (suspect) in the driver's seat with numerous gang tattoos on his neck.

The suspect exited the vehicle and began to walk away. The deputy stopped his vehicle and contacted the occupants. The suspect was uncooperative and threw a metal object over a chain link fence which fell onto a cement area.

The deputy illuminated the area and saw that the metal object was a handgun. The deputy broadcasted that he was detaining two individuals armed with a handgun. The deputy attempted to gain cooperation from the individuals, but the suspect jumped over the chain link fence and attempted to retrieve the handgun. The deputy moved into cover and concealment as the suspect picked up the handgun and pointed it at the deputy. The deputy fired several rounds at the suspect missing him.

The suspect fled the area, but returned moments later without the handgun. The suspect was taken into custody. A search for the handgun met with negative results. A holster for a handgun was retrieved in the vicinity of where the handgun was initially discarded.

The Committee determined the use of force in its totality was reasonable, necessary, and justified against the armed suspect. The Committee also determined the tactics used by the involved personnel were within the Department's training standards.

RECOMMENDATIONS:

The Committee recommended the unit commander, Captain James C. Thornton Jr., issue the involved deputy a written commendation for his good communication and tactics during this rapidly evolving incident.

MJR:JER:jer

Los Angeles County Sheriff's Department
Officer Involved Shooting

Report Date:	Bureau/Station/Facility:	Admin. Invest.? ☐	Hit? ☐
02/11/12	FOR-3 / Pico Rivera Station		

Incident Information

URN: 912-01105-1510-055	Date: 02/11/12 Time: 0430
City or Station: Pico Rivera	Nature of Incident: Deputy Gonzalez contacted the suspect for vehicle code violations, the suspect threw a handgun into a nearby yard. The suspect fled on foot from Deputy Gonzalez returning to the handgun. The suspect picked up the handgun and pointed it at Deputy Gonzalez. Fearing for his life Deputy Gonzalez fired three rounds, missing the suspect.
Location: [redacted] Maris Avenue, Pico Rivera	

Location Type (*circle one or more*): Backyard, Beach, Business, Freeway, Industrial, Park, Parking Lot, Residence, Rural, School, **Street** (circled), Other: ______

Lighting (*circle only one*): Darkness, Daylight, Other, **Street Lights** (circled)

Weather (*circle only one*): Clear, **Cloudy** (circled), Fog, Rain

Distance: 20 feet

Incident Type (*circle one or more*): Accidental, **Armed Person** (circled), **Fleeing Suspect** (circled), Foot Pursuit, Gun Take Away, Moving Vehicle, Sniper/Ambush, Startle, Struggle Involved, Traffic Stop, Unarmed Person, Unintentional, Vehicle Pursuit, Warrant Service, Warning Shot, Other: ______

Initiated by (*circle only one*): Arrest Warrant, Call, **Observation** (circled), One Person Unit, Other, Search Warrant, Two Person Unit

Prior Activity (*circle only one*): Detective, Inmate Transport, Other, **Routine Patrol** (circled)

Total # of Shots Fired by Deputy	Total # of Shots Fired by Suspect	Aero Unit? ☐	Canine Unit? ☐
3	0		

Employee Witnesses

Employee #	Last Name	First Name	M.I.	ShiftTime (*circle only one*):	ShiftType (*circle only one*):
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty
				EM PM Day	Regular Overtime Off Duty

Non-Employee Witnesses

Last Name [redacted]

Street Addr[redacted]

Last Name [redacted]

Street Address City Zip Code Work Ph Home Ph [redacted]

Last Name First Name M.I. [redacted]

Street Address City Zip Code Work Ph Home Ph [redacted]

Supervisors

Employee #	Last Name	First Name	M.I	(*circle one or more*):
[redacted]	Partida	Pablo		**On Duty** (circled), Present during shooting, Witness to shooting, Involved in shooting
				On Duty, Present during shooting, Witness to shooting, Involved in shooting

Watch Sergeant

Employee #	Last Name	First Name	M.I.

Watch Commander

Employee #	Last Name	First Name	M.I.
[redacted]	[redacted]		

PSTD Use Only

SH # ______

SH-R-438A rev. 3/07

See Reverse

Officer Involved Shooting

Rollout Information

Arrival Date	Arrival Time	Date Submitted	Date of Recommendation
02/11/12	0700	12/19/2012	

Employee #	Last Name	First Name	M.I
[redacted]	Vaughan	Stephen	
[redacted]	Carrizosa	Slade	M
[redacted]	Velasquez	Hector	

Shooting / Force Information

Method

(AW) Arwen
(BC) Baton:(Control)
(BI) Baton:(Impact)
(BF) Bodily Fluids
(CN) Canine
(CR) Carotid Restraint
(CH) Choke Hold
(CT) Control Holds:(Control Techniques)
(TT) Control Holds:(Team Takedown)
(TD) Control Holds:(Takedown)
(CE) Chemical
(OC) Chemical Agents (OC Spray)
(TG) Chemical Agents (Tear Gas)
(EX) Explosives
(FH) Firearm (Handgun)
(FR) Firearm (Rifle)
(FS) Firearm (Shotgun)
(FO) Firearm (Other)
(FB) Flashbang
(FL) Flashlight
(OE) Other Weapon: Edged
(OV) Other Weapon: Vehicle
(OB) Other Weapon: Blunt Object
(OO) Other Weapon: Other
(PK) Personal Weapon: Feet/Leg: (Kick)
(PS) Personal Weapon: Feet/Leg: (Sweep)
(PH) Personal Weapon (Hand/Arm)
(PP) Personal Weapon (Push)
(PO) Personal Weapon (Other)
(RS) Resistance
(CN) Restraint Device (Capture Net)
(RH) Restraint Device (Handcuffs)
(HB) Restraint Device:Hobble (Legs Only)
(TP) Restraint Device:Hobble (TARP)
(RE) Restraint Device: REACT Belt
(SP) Sap
(SH) Shield
(SG) 37mm Stinger
(SB) Sting Ball
(ST) Stun Bag
(TR) Taser
(UC) Uncooperative

Type of Injury

(AB) Abrasion
(BR) Bruise
(BU) Burn
(CP) Complaint of Pain
(CO) Concussion
(DH) Death
(DI) Dislocation
(DB) Dog Bite
(FR) Fractures
(GS) Gunshot
(HB) Human Bite
(LC) Lacerations
(ND) Nerve Damage
(OD) Organ Damage
(PA) Paralysis
(PW) Puncture Wound
(SD) Soft Tissue Damage
(ST) Sprain/Twists
(UN) Unconscious
(RM) Refused Med Treatment
(NN) NONE

Body Part Injured

(AD) Abdomen
(AK) Ankle
(AR) Arm
(BK) Back
(BT) Buttocks
(CH) Chest
(EL) Elbow
(FA) Face
(FE) Feet
(FI) Fingers
(GE) Genitals
(GR) Groin
(HD) Hand
(HE) Head
(HI) Hip
(IN) Internal
(KN) Knees
(LE) Leg
(NK) Neck
(SH) Shoulder
(WR) Wrist

Brand

(AK) AK-47
(BN) Benelli
(BR) Beretta
(BW) Browning
(CH) Charter Arms
(CO) Colt
(DA) Davis Industries
(GL) Glock
(HA) Harrington & Richardson
(HI) Hi Standard
(HK) H & K
(IT) Ithica
(IV) Iver Johnson
(JE) Jennings
(LO) Lorcin
(LU) Luger
(MA) Marlin
(MO) Mossberg
(NC) NCI aka SKS
(NA) North American
(NO) Norinco
(RA) Raven
(RM) Remington
(RG) RG
(RI) RGI
(RO) Rossi
(SW) Smith & Wesson
(SR) Sturm Ruger
(ST) Sterling
(TA) Taurus
(WE) Weatherby
(WN) Winchester
(US) US Government
(YY) Handmade (Inmate)
(XX) Homemade (Non-Inmate)
(ZZ) Other Brand

Caliber

(9) 9 mm
(10) 10 mm
(12) 12 guage
(20) 20 guage
(21) .22-250
(22) .22 caliber
(23) .223 caliber
(24) .243 caliber
(25) .25 caliber
(30) .308 caliber
(35) .357 caliber
(36) 30-60 caliber
(38) .38 caliber
(40) .40 caliber
(41) .410 guage
(44) .44 caliber
(45) .45 caliber
(50) 50 mm
(SL) Slug
(WW) Other caliber

FORCE APPLIED *(one code per block)*

Used By (E# or S#)	Used Against (E# or S#)	Method (Code)	Brand (Code)	Caliber (Code)	Authorized Weapon? (Y/N)	Authorized Ammunition? (Y/N)	Type of Injury (Code)	Body Part (Code)
S#1	E#1	UC					NN	
S#1	E#1	FH	-	-			NN	
E#1	S#1	FH	BR	9	Y	Y	NN	

Officer Involved Shooting
Involved Employee Information

URN: 912-01105-1510-055

Involved Employee

E 1

Employee # [redacted]	Last Name: Gonzalez	First Name: Cauhtemol	M.I.
Sex: M Race: H	Rank: Deputy	Unit Assignment: Pico Rivera	Work Assignment (Unit #, Module, etc.): 151T3
ShiftTime (*circle only one*): **EM** PM Day	ShiftType (*circle only one*): **Regular** Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☒
Hrs of sleep prior to shooting: 8	Duty Time (hrs): [redacted]	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, **Uniform w/ Vest**	Other Factors:
Age: [redacted]	Height: 5'5"	Weight: 180	
Range Qualification Date: [redacted]	PPC Qualification Date: [redacted]	Laser Training Date:	
Certified with Weapon Used? [redacted]	Patrol Certification? [redacted]	Certification Unit: [redacted]	Prior Shootings? [redacted] / Number of Prior Shootings: [redacted] / Directed Force: [redacted]
Weapons Fired Brand: Beretta	Caliber: 9	# Shots: 3	Weapons Fired Brand: / Caliber: / # Shots:
Field Training Officer Emp # [redacted]			M.I.
Field Training Officer Emp # [redacted]			M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

E___

Employee #	Last Name	First Name	M.I.
Sex: Race:	Rank	Unit Assignment:	Work Assignment (Unit #, Module, etc.):
ShiftTime (*circle only one*): EM PM Day	ShiftType (*circle only one*): Regular Overtime Off Duty	Intoxication/Drug Usage? ☐	Substance Used:
Hospital Admission? ☐	Hospital Name:	Coroner Case? ☐	Coroner Case # / Interviewed? ☐
Hrs of sleep prior to shooting:	Duty Time (hrs):	Clothing (*circle only one*): Plain Clothes no Vest, Raid Jacket w/ Vest, Plain Clothes w/ Vest, Uniform no Vest, Raid Jacket no Vest, Uniform w/ Vest	Other Factors:
Age:	Height:	Weight:	
Range Qualification Date:	PPC Qualification Date:	Laser Training Date:	
Certified with Weapon Used? ☐	Patrol Certification? ☐	Certification Unit:	Prior Shootings? ☐ / Number of Prior Shootings: / Directed Force: ☐
Weapons Fired Brand:	Caliber	# Shots	Weapons Fired Brand: / Caliber / # Shots
Field Training Officer Emp #	Last Name	First Name	M.I.
Field Training Officer Emp #	Last Name	First Name	M.I.

Officer Involved Shooting
Suspect Information

URN: 912-01105-1510-055

Suspect Information

S 1

Last Name Viera		First Name Angel	M.I. M
AKA Last Name		First Name	M.I.
Sex: M Race: H	Street Address: [redacted]		
Work Phone:	Ho[redacted]	Social Security #:	Driver's Licen[redacted]
Age: 37 D.O.B. 07/10/74	Height: 5'7" Weight: 220	FBI # [redacted]	CII # [redacted]
Booking # 3046624	Primary Charge: 664/187 P.C.	Secondary Charge: 69 P.C.	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☒	Apprehended? ☒	Mental Illness? ☐	Criminal History? [redacted]
Vehicle Make Chevrolet		Model: Trailblazer	Year: 2002

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

S__

Last Name		First Name	M.I.
AKA Last Name		First Name	M.I.
Sex: Race:	Street Address:	City	State & Zip Code:
Work Phone:	Home Phone:	Social Security #:	Driver's License #:
Age: D.O.B.	Height: Weight:	FBI #	CII #
Booking #	Primary Charge:	Secondary Charge:	
Coroner Case? ☐	Coroner Case #	Intoxication/Drug Usage? ☐	Substance Used:
Armed? ☐	Apprehended? ☐	Mental Illness? ☐	Criminal History? ☐
Vehicle Make		Model:	Year:

SUPPLEMENTAL NON-EMPLOYEE WITNESSES
Los Angeles County Sheriff's Department

Non-Employee Witnesses

Last Name [redacted]			
Street Address [redacted]			
Last Name [redacted]			M.I.
Street Address	Zip Code	Work Ph	Home Ph
[redacted]			
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph
Last Name	First Name		M.I.
Street Address	Zip Code	Work Ph	Home Ph

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATIVE SUMMARY

DEPUTY INVOLVED SHOOTING: NON-HIT

CASE NUMBER: SH 2306811

File # 912-01105-1510-055

DATE: February 11, 2012, Saturday

TIME: 0430 hours

LOCATION: [redacted] Maris Avenue, Pico Rivera CA. 90660

OPENING STATEMENT:

On Saturday, February 11, 2012, Internal Affairs Bureau investigators Sergeant Slade Carrizosa, Sergeant Hector Velasquez, and Lieutenant Stephen Vaughan responded to [redacted] Maris Avenue in regard to a deputy involved non-hit shooting in the City of Pico Rivera. Internal Affairs Bureau investigators and the Office of Independent Review were given a briefing by Operation Safe Streets Bureau.

SYNOPSIS:

At approximately 0430 hours, Deputy Gonzalez was patrolling an area known to him to be a "Pico Viejo" gang area. He was driving north on Maris Avenue when his attention was drawn to a female (later identified as Witness [redacted] who was in the passenger side front seat of a Sports Utility Vehicle (S.U.V.) that was parked in front of the residence at [redacted] Maris Avenue. Deputy Gonzalez observed that the S.U.V.'s side windows were tinted and it was partially blocking the driveway of the location. As he drove parallel to the S.U.V. he illuminated the interior of the S.U.V. and saw there was a male adult (later identified as Suspect Viera) seated in the driver's seat of the S.U.V. Deputy Gonzalez saw that Suspect Viera appeared to be a gang member, due to his tattoos and shaved head.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Deputy Gonzalez planned to continue to drive north in his patrol car, turn around, stop his patrol car at a position of advantage, and contact the occupants for the vehicle code violations. Deputy Gonzalez saw Suspect Viera suddenly exit the S.U.V., from the driver's side door turning away from Deputy Gonzalez, concealing his hands near his waistband. He saw Suspect Viera had what appeared to be gang related tattoos on his neck, a shaved head, and that he was wearing oversized baggie jeans, and a dark oversized long sleeve shirt. Based on Suspect Viera's actions, his appearance and the area being known as a "Pico Viejo" gang area, for safety reasons, Deputy Gonzalez decided to stop his vehicle and contact Suspect Viera.

Deputy Gonzalez stopped his patrol car, exited, and ordered Suspect Viera to turn around and show his hands. Suspect Viera did not respond to Deputy Gonzalez' orders and continued to walk away from Deputy Gonzalez with his hands concealed near his waistband area. Suspect Viera walked away from Deputy Gonzalez going between the S.U.V. and the parked vehicle to the north ignoring the repeated orders to stop and show his hands.

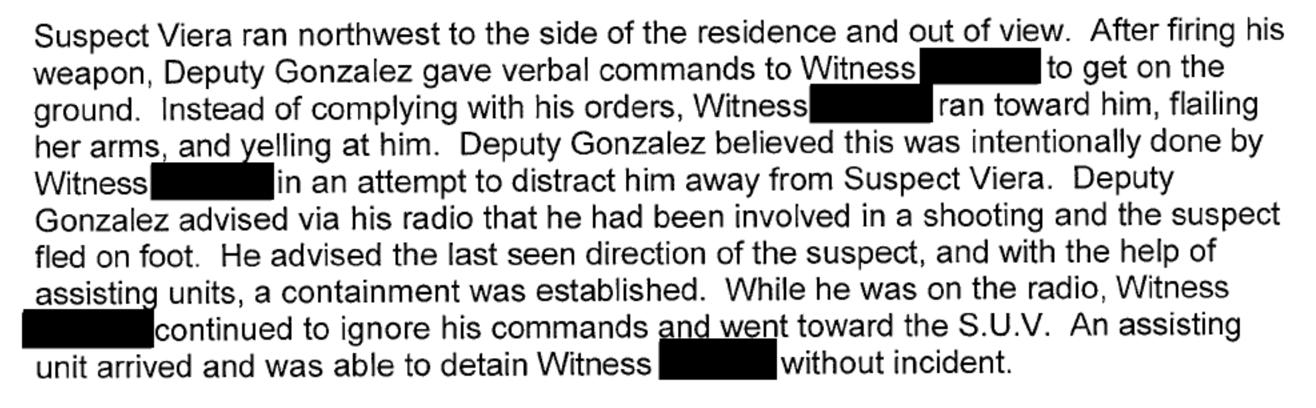
As Suspect Viera approached the front yard of the residence at [redacted] Maris Avenue he made a underhand throwing movement with his right arm. Deputy Gonzalez then heard the distinct sound of metal striking the cement in the area of the walkway which leads to the residence. He continued to order Suspect Viera to come back and show his hands. Based on the Suspect's actions and the sound he heard, Deputy Gonzalez believed the Suspect possibly discarded a firearm.

Suspect Viera then turned around and walked toward Deputy Gonzalez in a calm and compliant manner. Deputy Gonzalez asked him what he was doing. Suspect Viera said they were going to sleep inside the vehicle, because he forgot his house keys. Witness [redacted] exited the vehicle and told Deputy Gonzalez, "Leave us alone." While talking to Suspect Viera and Witness [redacted] Deputy Gonzalez walked between the S.U.V. and the parked vehicle, to a position on the sidewalk where he could see the area Suspect Viera had thrown the object. He used his flashlight to illuminate the walkway area of the residence and saw a black, semi-automatic handgun on the cement walkway behind a chain link fence.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

Deputy Gonzalez immediately drew his handgun and ordered Suspect Viera and Witness [redacted] to put their hands on the parked vehicle in front of them. Suspect Viera complied placing his hands on the vehicle. Witness [redacted] did not comply, telling Deputy Gonzalez to leave them alone. Deputy Gonzalez requested assistance via his handheld radio, stating he was detaining two "417" suspects at gunpoint. After only a few seconds of placing his hands on the parked vehicle, Suspect Viera ran southwest to the chain link fence of the residence and jumped the fence. After jumping the fence, he ran north toward the handgun on the walkway.

Deputy Gonzalez illuminated Suspect Viera with his flashlight and his gun mounted light and saw him bend down to retrieve the handgun. Deputy Gonzalez ordered him to drop the gun. Suspect Viera ignored the order and stood up, holding the firearm by its grip. Suspect Viera pointed the barrel of the firearm at Deputy Gonzalez, blading his body, taking a shooting stance, facing Deputy Gonzalez. Due to Suspect Viera's actions, Deputy Gonzalez believed he was about to be shot. He fired his handgun at the Suspect three times, missing him.



Suspect Viera ran northwest to the side of the residence and out of view. After firing his weapon, Deputy Gonzalez gave verbal commands to Witness [redacted] to get on the ground. Instead of complying with his orders, Witness [redacted] ran toward him, flailing her arms, and yelling at him. Deputy Gonzalez believed this was intentionally done by Witness [redacted] in an attempt to distract him away from Suspect Viera. Deputy Gonzalez advised via his radio that he had been involved in a shooting and the suspect fled on foot. He advised the last seen direction of the suspect, and with the help of assisting units, a containment was established. While he was on the radio, Witness [redacted] continued to ignore his commands and went toward the S.U.V. An assisting unit arrived and was able to detain Witness [redacted] without incident.

IAB Note: A copy of Deputy Gonzalez' radio traffic is included with this case as **Exhibit B**.

Approximately five minutes after the shooting occurred, Suspect Viera reappeared on the driveway on the south side of [redacted] Maris Avenue. Deputy Gonzalez ordered Suspect Viera to the ground and he was taken into custody by assisting units without incident.

IAB Note: Deputy Gonzalez prepared an incident under file 912-01105-1510-055. His incident report along with all the supplemental reports is included with this case as **Exhibit A**.

An empty holster was found a few feet away from where Suspect Viera was taken into custody. A door knock and a sweep of the residence at [redacted] Maris Avenue was done to assure no victims were inside and because the suspect may have discarded or hid the firearm in the home. During the detention of the occupants of the home, it was determined that they were related to the suspect. A search warrant was obtained and served by Operation Safe Streets Bureau on the location. Inside the home, deputies found narcotics, and a sawed-off pistol grip shotgun which was found atop an out building at the southwest corner of the property. No handgun was recovered. Two of the occupants, [redacted] and [redacted] were arrested for charges related to the shotgun and the narcotics that were found in the home. For additional information regarding the arrest of the occupants of the home see incident report and supplemental reports under file 912-01104-1510-151, which are included with this case as **Exhibit C.**

INVOLVED PERSONNEL:

Gonzalez, **Cuauhtemol**, Deputy, #[redacted]

Assigned to Field Operations Region III, Pico Rivera Station

Working Unit 151T3, Pico Rivera Station

Date of Employment: November 29, 2001

Date Assigned to Patrol: August 1, 2010

Date Completed Patrol Training: [redacted]

Prior Shooting Incidents: [redacted]

Prior Founded Force Incidents: [redacted]

SUSPECT:

Viera, Angel, MH/37, Booking #3046624

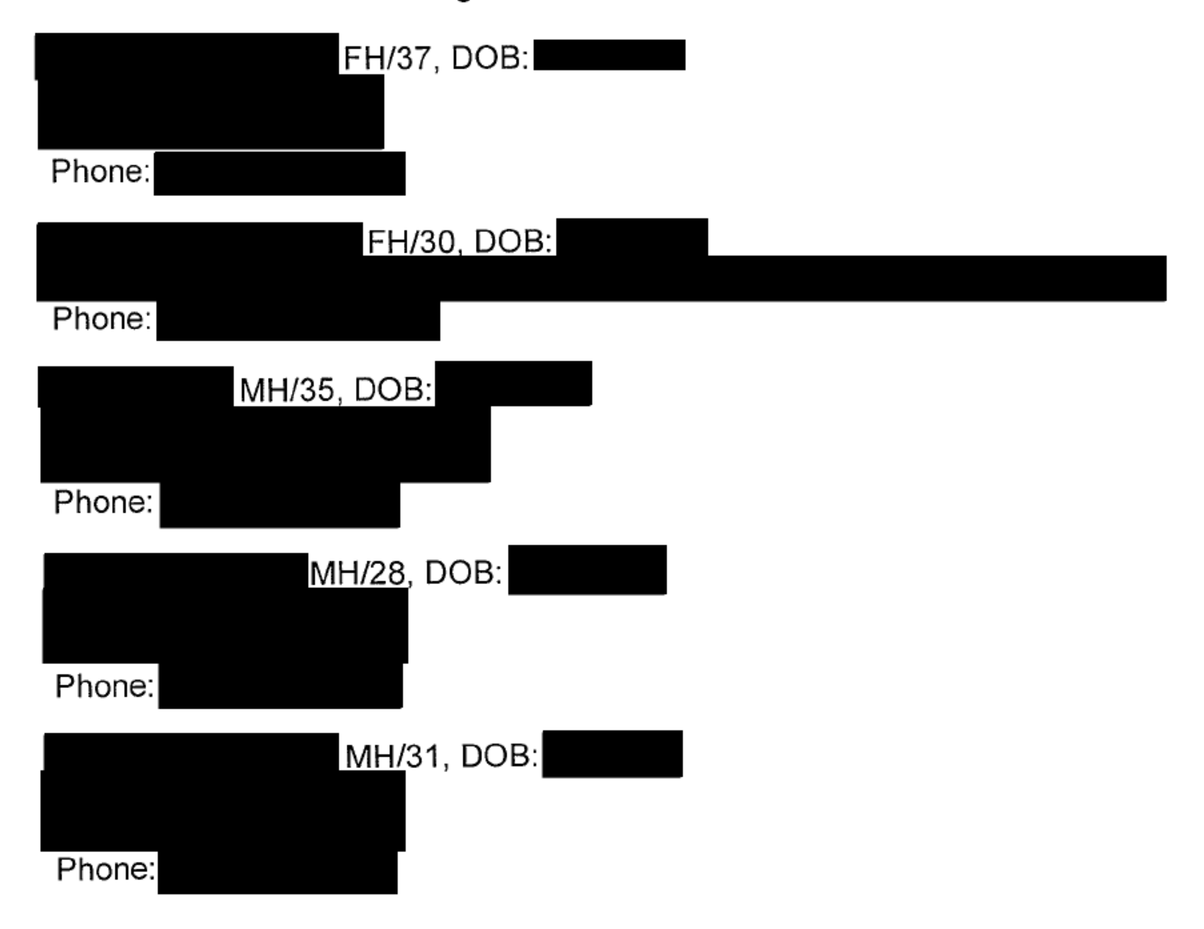
The Consolidated Criminal History System reveals Suspect Viera [redacted] He is a documented "Pico Viejo" gang member with the moniker of "Yogi."

[redacted]

For a complete Consolidated Criminal History see a copy of his Criminal History which is included with this case as **Exhibit D**.

CIVILIAN WITNESSES:

The residential neighborhood near the shooting scene, on Maris Avenue, was canvassed for any potential witnesses. The area was canvassed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez. In addition to [redacted] who was the female initially observed in the vehicle with Suspect Viera, three additional witnesses were identified. The occupants inside the home at [redacted] Maris Avenue were identified and interviewed by Sergeant Carrizosa. None of the occupants witnessed the actual shooting.



[redacted] FH/37, DOB: [redacted]

Phone: [redacted]

[redacted] FH/30, DOB: [redacted]

Phone: [redacted]

[redacted] MH/35, DOB: [redacted]

Phone: [redacted]

[redacted] MH/28, DOB: [redacted]

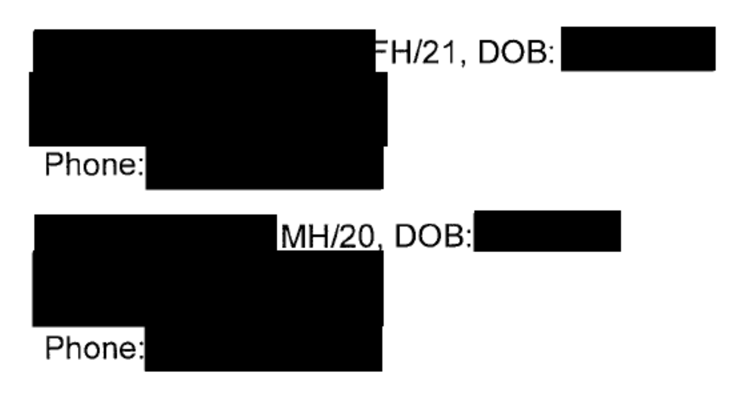
Phone: [redacted]

[redacted] MH/31, DOB: [redacted]

Phone: [redacted]

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

CIVILIAN WITNESSES CONTINUED:



[redacted] FH/21, DOB: [redacted]

Phone: [redacted]

[redacted] MH/20, DOB: [redacted]

Phone: [redacted]

INJURIES:

No injuries to deputy or suspect.

PHYSICAL EVIDENCE:

Deputy Gonzalez' three 9MM Luger expended bullet casings were recovered from the street. Four bullet fragments believed to be from Deputy Gonzalez' firearm were recovered from the front yard and walkway of [redacted] Maris Avenue. Three bullet strikes were identified and photographed. A gun holster was recovered from the driveway area of [redacted] Maris Avenue. All of the above items were identified, recovered and photographed by Sheriff's Department Crime Lab.

IAB Note: For a complete list and diagram of evidence recovered see Sheriff's Crime Lab supplemental report which is included with this case as **Exhibit E**.

INTERNAL AFFAIRS BUREAU
INVESTIGATIVE SUMMARY

INVESTIGATOR'S OBSERVATIONS:

Upon the investigators arrival they learned there was an active command post and containment of the crime scene area. Investigators learned of the series of events which culminated in a deputy-involved, non-hit shooting involving Deputy Cuauhtemol Gonzalez. Deputy Gonzalez was a uniformed patrol deputy.

> **IAB Note:** IAB Lieutenant Stephen Vaughan checked to see that the Watch Commander, Sergeant [redacted] took reasonable steps to ensure the involved deputy did not discuss the incident with uninvolved persons prior to being interviewed by the assigned investigators. In addition, IAB Lieutenant Stephen Vaughan checked to see if the Watch Commander attempted to have the involved deputy gather in the company of a supervisor until they have provided a statement to the assigned investigators.

The criminal investigation was handled by Operation Safe Streets Bureau Detectives Calderon and Ortega. They entered the crime scene with Deputy Gonzalez. They documented their actions and findings on Supplemental Reports. Sergeant Partida conducted a walkthrough of the scene with IAB investigators and OIR Attorney Diane Teran. Sergeant Carrizosa directed Sheriff's Crime Lab personnel to photograph and document the scene and to return as soon as possible to document similar lighting conditions for the time of the shooting.

> **IAB Note:** Photographs and a sketch of the scene are included in this case as **Exhibit E.** (3) CD's of all the crime scene, aerial photos and night time photos are included with this case in **Exhibit E.**

WEAPON USED BY DEPUTY:

Gonzalez, Cuauhtemol
Service Weapon Type: Beretta 9mm, 92FS
Rounds Fired: Three
Type of Ammunition Used: Department Issued Luger (Win) Ranger SXT 147gr.
Date Employee Last Qualified: [redacted]
Combat handgun CPT: [redacted]

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IAB Note: An examination of Deputy Gonzalez' firearm indicated he had shot a total of three rounds. Three 9MM casings were recovered at the scene. See Exhibit E. The firearm was tested by Sheriff's firearms examiners and found to be functional. See **Miscellaneous Documents**.

WEAPON USED BY SUSPECT:

Black semi-automatic handgun
Weapon recovered: No

PROPERTY DAMAGE:

Three bullet strike marks to concrete walkway, stairs, and foundation.

CRIMINAL INVESTIGATOR/CHARGES FILED:

Investigator's Name: Detectives Oscar Calderon and Hank Ortega

Court: Norwalk

Charges: On June 20, 2012, the District Attorney filed four felony charges against Suspect Viera; Assault with a Deadly Weapon (firearm) on a Peace Officer, 245(D)(2) P.C., Resisting an Executive Officer, 69 P.C., Possession of a Firearm by Felon, 29800 (A)(1) P.C., and Exhibiting a Deadly Weapon to Police Officer, 417.8 P.C. All four charges had the special allegation of Street Terrorism, 186.22 P.C.

Court Date: On November 5, 2012, Suspect Viera entered a plea of "No Contest" to Exhibiting a Deadly Weapon to a Police Officer, 417.8 P.C. He was sentenced to four years and given an additional two years for prior felony convictions pursuant to 1170.12 P.C. for a total sentence of six years in state prison.

IAB Note: Witness [redacted] was arrested and charged with Resisting an Executive Officer 69 P.C. On November 5, 2012, Witness [redacted] pled "No Contest" to 148 (A)(1) P.C. and was placed on summary probation for one year.

LIGHTING AND WEATHER CONDITIONS:

The shooting occurred during night hours. The weather was clear. Lighting was provided by street lights and a gun mounted tactical flashlight.

INVOLVED EMPLOYEE STATEMENT:

Cuauhtemol Gonzalez, Deputy, #[redacted] was interviewed on June 19, 2012, at 1032 hours by Sergeants Slade Carrizosa and Hector Velasquez. The interview was conducted at the Internal Affairs Bureau office in the City of Commerce. His interview was digitally recorded and transcribed. The following is a summary of both his interview and his incident report.

Deputy Gonzalez was assigned to 151T3 which is a one person traffic car. He was wearing a full Class "A" uniform. He carries a Berretta 92FS which has an attached tactical gun light.

At approximately 0430 hours on February 13, 2012, he was patrolling the area of Las Posas Street and Maris Avenue in a marked black and white patrol car. He was patrolling an area known as a "Pico Viejo" gang area, high in criminal activity. He was driving east on Las Posas and while seated in his patrol car, drove up next a gray Charger that was parked at the corner of Las Posas and Maris. He asked the male driver and female passenger (later identified as Witnesses [redacted] and [redacted] if they lived there. They told him she lived there, and he was just dropping her off.

> **IAB Note:** During his interview Deputy Gonzalez was shown the diagram of the area and indicated with "X" where the Charger was parked when he talked with the occupants. That diagram is included with this case as **Exhibit F.**

Deputy Gonzalez drove north on Maris from Las Posas when his attention was drawn to movement he saw through the front windshield of an S.U.V. He saw a female (later identified as Witness [redacted] was seated in the front passenger seat of the S.U.V. He also saw the S.U.V. had tinted windows and was partially blocking a driveway. As he drove parallel to the S.U.V. he illuminated the interior of the S.U.V. with his flashlight and saw a male seated in the driver's seat (later identified as Suspect Viera). Suspect Viera was seated facing Witness [redacted] When Deputy Gonzalez illuminated the S.U.V. he saw a male Hispanic (later identified as Suspect Viera) who had tattoos on his neck and the back of his head. Based on Suspect Viera's appearance Deputy Gonzalez believed he was a gang member.

Deputy Gonzalez planned to keep driving north on Maris, turn his patrol car around, stop his vehicle in a position of advantage behind the S.U.V. and contact the occupants for the vehicle code violations. Suspect Viera quickly exited his vehicle. Deputy Gonzalez believed remaining in his vehicle made him vulnerable, giving Suspect Viera the advantage. Deputy Gonzalez immediately stopped his patrol car with his driver's door about parallel with the rear of the S.U.V. Because Suspect Viera had exited his S.U.V. so quickly he was already at the rear of the S.U.V. when Deputy Gonzalez exited his patrol car.

As Deputy Gonzalez exited his patrol car he immediately moved south to the rear driver's side passenger door in order to keep a visual of the interior of the S.U.V. and Suspect Viera. While Deputy Gonzalez was exiting his patrol car he gave Suspect Viera commands to show his hands and to get back into his car. Suspect Viera did not respond or obey Deputy Gonzalez' verbal commands. Suspect Viera was facing in a northwest direction away from Deputy Gonzalez, concealing both his hands from the view of Deputy Gonzalez. Suspect Viera continued to quickly move between his S.U.V. and the vehicle (Saturn) parked to the north approaching the sidewalk to the west. Deputy Gonzalez saw Suspect Viera make a "furtive" movement with his right arm moving it from his waist area to above his head throwing an object with his right hand. Deputy Gonzalez then heard the distinct sound of metal striking pavement. Hearing that sound Deputy Gonzalez believed Suspect Viera had possibly discarded a firearm.

After making the throwing motion Suspect Viera turned toward Deputy Gonzalez and complied with his commands for him to show his hands. Suspect Viera moved to the northwest corner of his S.U.V., near the rear passenger door. Deputy Gonzalez moved between the two vehicles in order to get to a position where he could illuminate the area where Suspect Viera threw the object. He ordered Suspect Viera to put his hands on the hood of the Saturn. Suspect Viera moved forward opening the rear hatch of the S.U.V. saying, "Look I forgot my keys for my house. I live here we're just gonna sleep inside the vehicle." Suspect Viera then complied with Deputy Gonzalez commands, placing his hands on the hood of the Saturn. While Deputy Gonzalez moved between the vehicles and gave Suspect Viera commands, Witness [redacted] exited the passenger door of the S.U.V. and started yelling. "Leave us alone." With his flashlight Deputy Gonzalez illuminated the area where Suspect Viera threw the object. He saw a black semi-automatic handgun on the walkway to [redacted] Maris Avenue.

IAB Note: During Deputy Gonzalez' interview he indicted on Exhibit F where the suspect was at when he exited his patrol car with a "S." He also indicated where he saw the black semi-automatic handgun with an "O."

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Seeing the firearm, Deputy Gonzalez drew his firearm and immediately advised via his hand held radio he was detaining two "417" suspects at gunpoint, requesting assistance. Suspect Viera took his hands off the hood of the Saturn and started to run west from between the cars, turned south on the sidewalk along the fence. During this time Deputy Gonzalez gave orders to Witness [redacted] to put her hands on the car. She did not comply and paced back and forth on the sidewalk.

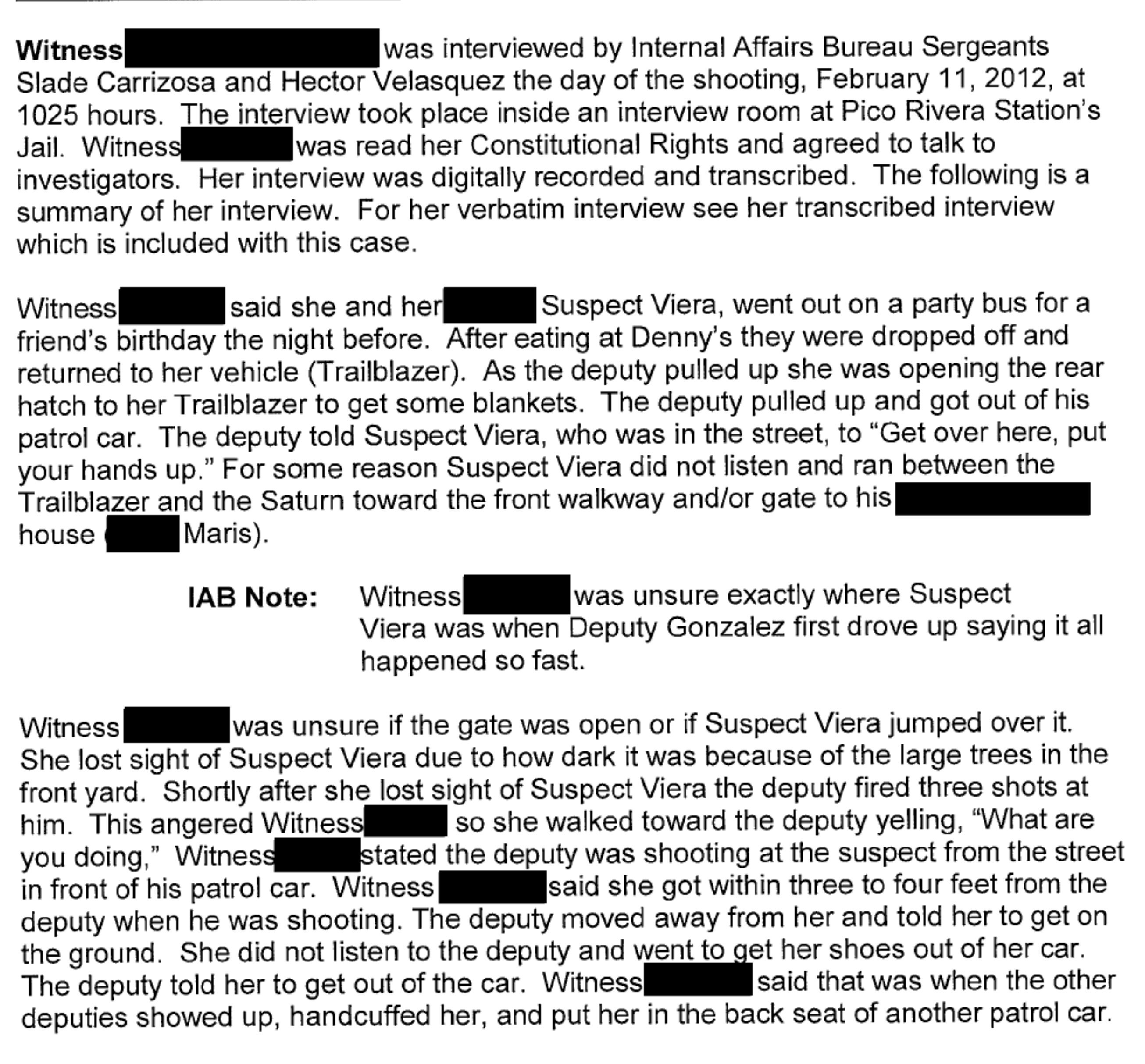
Suspect Viera jumped the fence and immediately ran north back in the direction of where the firearm was located. Deputy Gonzalez yelled repeatedly for him to get on the ground. Suspect Viera ran directly to the firearm, crouched down, and picked the firearm up with his right hand. Deputy Gonzalez yelled for the suspect to put the gun down. Suspect Viera ignored the order and stood up holding the firearm by its grip. Suspect Viera pointed the barrel of the firearm at Deputy Gonzalez, blading his body, in a shooting stance, facing Deputy Gonzalez. Fearing he was going to be shot, Deputy Gonzalez started to move away from the threat to the rear of the Saturn, and fired three rounds at the suspect.

When Deputy Gonzalez fired his first round he was standing on the sidewalk toward the rear of the Saturn. As he fired the additional rounds he quickly moved around and to the rear of the Saturn using the car for cover/concealment. Deputy Gonzalez continued shooting his second and third rounds as he moved east then south, around the Saturn. Deputy Gonzalez stopped shooting at the suspect when he saw the suspect had turned away from him and he felt the suspect was no longer a threat.

The suspect ran west between [redacted] and [redacted] Maris Avenue out of view. Deputy Gonzalez moved behind his patrol car for better cover/concealment and immediately put radio traffic that he had been involved in a shooting, giving his location and the last seen direction of the suspect.

During the shooting, Deputy Gonzalez gave commands to Witness [redacted] to get on the ground. She did not comply, and moved toward Deputy Gonzalez flailing her arms and screaming, following him into the street. Deputy Gonzalez believed this was her way of obstructing his view of Suspect Viera. Witness [redacted] went toward the driver's side passenger rear door of her S.U.V. where she was taken into custody by an assisting unit. After Witness [redacted] was secured in the assisting unit's patrol car, the suspect reappeared on the driveway of [redacted] Maris Avenue. Deputy Gonzalez ordered Suspect Viera to lie on the ground and he was taken into custody without incident.

IAB Note: Deputy Gonzalez was shown three photos during his interview which were refereed to and labeled "B", "C", and "D." The photos are included with this case as **Exhibit G**.



WITNESSES STATEMENTS:

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 1025 hours. The interview took place inside an interview room at Pico Rivera Station's Jail. Witness [redacted] was read her Constitutional Rights and agreed to talk to investigators. Her interview was digitally recorded and transcribed. The following is a summary of her interview. For her verbatim interview see her transcribed interview which is included with this case.

Witness [redacted] said she and her [redacted] Suspect Viera, went out on a party bus for a friend's birthday the night before. After eating at Denny's they were dropped off and returned to her vehicle (Trailblazer). As the deputy pulled up she was opening the rear hatch to her Trailblazer to get some blankets. The deputy pulled up and got out of his patrol car. The deputy told Suspect Viera, who was in the street, to "Get over here, put your hands up." For some reason Suspect Viera did not listen and ran between the Trailblazer and the Saturn toward the front walkway and/or gate to his [redacted] house ([redacted] Maris).

IAB Note: Witness [redacted] was unsure exactly where Suspect Viera was when Deputy Gonzalez first drove up saying it all happened so fast.

Witness [redacted] was unsure if the gate was open or if Suspect Viera jumped over it. She lost sight of Suspect Viera due to how dark it was because of the large trees in the front yard. Shortly after she lost sight of Suspect Viera the deputy fired three shots at him. This angered Witness [redacted] so she walked toward the deputy yelling, "What are you doing," Witness [redacted] stated the deputy was shooting at the suspect from the street in front of his patrol car. Witness [redacted] said she got within three to four feet from the deputy when he was shooting. The deputy moved away from her and told her to get on the ground. She did not listen to the deputy and went to get her shoes out of her car. The deputy told her to get out of the car. Witness [redacted] said that was when the other deputies showed up, handcuffed her, and put her in the back seat of another patrol car.

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IAB Note: Witness [redacted] is the only witness that places herself and Deputy Gonzalez in the street by his patrol car when he started shooting. The other witnesses place both Deputy Gonzalez and Witness [redacted] either on the sidewalk or just off the sidewalk in the street.

IAB Note: The crime scene Digital photos of the area where Witnesses [redacted] and [redacted] witnessed the shooting from, show the obstructive view of the street area where Witness [redacted] stated the shooting occurred. These photos are included with this case as **Exhibit H.**

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 0848 hours. The interview took place inside the home at [redacted] Maris Avenue. Her interview was digitally recorded and transcribed. The following is a summary of her interview. For her verbatim interview see her transcribed interview which is included with this case.

Witness [redacted] was one of the two occupants of the Charger that was parked at the northwest corner of Las Posas Street and Maris Avenue that Deputy Gonzalez contacted prior to contacting the suspect and Witness [redacted] Witness [redacted] was seated in the front passenger seat of the Charger. The Charger was stopped facing east. Her view of the incident was through the driver's side window looking around Witness [redacted] who was seated in the driver's seat.

IAB Note: Sheriff's Crime Lab took photographs from the corner of Las Posas and Maris during similar lighting conditions. Those photos are included with case as **Exhibit I.**

Deputy Gonzalez drove up next to them in the Charger and asked them what they were doing. After a short conversation Deputy Gonzalez drove north on Maris and stopped his patrol car where Angel (Suspect Viera) and his [redacted] (Witness [redacted] were on Maris. She saw the deputy get out of his car and tell Suspect Viera and Witness [redacted] to put their hands on the car. She could see both Suspect Viera and [redacted] were on the sidewalk by their car (Trailblazer). Neither Suspect Viera nor Witness [redacted] complied with the deputy orders to place their hands on the car; instead they said, "What for, why." She only saw Suspect Viera for a few seconds and he disappeared out of view to the west. Soon after, she lost sight of Suspect Viera, and the deputy, who was facing west, started shooting.

Witness [redacted] estimated the deputy fired three to five times. As the deputy was shooting he was walking backwards to the east. Witness [redacted] believed the deputy was moving back because Witness [redacted] quickly moved toward the deputy while he was shooting saying, "Why are you shooting my [redacted]" Witness [redacted] believed Witness [redacted] action caused the deputy to stop shooting. After the shooting they drove east on Las Posas, made a U-turn, and parked in the driveway of [redacted] Maris Avenue.

> **IAB Note:** The driveway for the home at [redacted] Maris Avenue is on Las Posas Street at the [redacted] of the home.

Witness [redacted] was also interviewed by Operation Safe Streets Detectives Ortega and Calderon on February 11, 2012, at 2020 hours. They documented their interview of Witness [redacted] in a supplemental report that is included with this case in **Exhibit A**.

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 0911 hours. The interview took place inside the home at [redacted] Maris Avenue. His interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Witness [redacted] was the driver of the Charger that was parked at the northwest corner of Las Posas Street and Maris Avenue facing northeast. Deputy Gonzalez pulled his patrol car up next to [redacted] car. Deputy Gonzalez asked them what they were doing. Witness [redacted] told Deputy Gonzalez he was dropping Witness [redacted] off at the location.

The deputy drove north on Maris Avenue and Witness [redacted] believed he was going to ask "Angel" (Suspect Viera) and his [redacted] (Witness [redacted] the same questions he asked them. Witness [redacted] attention was drawn to Witness [redacted] who had walked up and started to talk to him.

Witness [redacted] heard a male voice yell something like "stop or I'll shoot." This caused Witness [redacted] to look north on Maris to where he heard the yelling. When he looked north on Maris he saw Witness [redacted] standing just off the curb in the street behind the Trailblazer. He saw the deputy fire at least three shots west toward the house. Witness [redacted] described the deputy's position compared to Witness [redacted] as angled in the street northeast of Witness [redacted] Witness [redacted] saw Witness [redacted] was moving in the direction of the deputy while he was shooting. Witness [redacted] believed Witness [redacted] came in contact with the deputy's arms, pushing his hands up, yelling, "Why are you shooting my [redacted]" The deputy then backed away and Witness [redacted] lost sight of him behind the parked car. Witness [redacted] never saw Suspect Viera when he looked north on Maris.

After the shooting he drove east on Las Posas, made U-turn, and drove back to and parked in the driveway at [redacted] Maris Avenue.

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 0928 hours. The interview took place inside the home at [redacted] Maris Avenue. His interview was digitally recorded and transcribed. The following is a summary of his interview. For his verbatim interview see his transcribed interview which is included with this case.

Witness [redacted] stated they had just returned home from his [redacted] birthday party. He was talking with Angel about sleeping over at his house. Angel agreed to sleep over and was going to get a blanket from his Trailblazer that was parked on the street. Witness [redacted] started to walk south on the west sidewalk of Maris Avenue. He saw a deputy talking to [redacted] (Witness [redacted]) and his [redacted] (Witness [redacted]) who were seated in [redacted] Charger.

The deputy drove away from the Charger and turned north on Maris Avenue. The deputy stopped his patrol car and shined his flashlight at him and asked Witness [redacted] what his name was. Witness [redacted] told the deputy his name and the deputy continued driving north on Maris Avenue. Witness [redacted] started to walk west into the front yard of his [redacted] at [redacted] Maris Avenue.

Witness [redacted] then heard a male voice, who he believed to be the deputy's, yell "Put your hands up." After a few seconds Witness [redacted] heard three to four gunshots. During the gunshots he heard a female's yell, "Why are you shooting at my [redacted]" Witness [redacted] stated he only heard the shooting and did not see anything due to the large trees and shrubs on the north side of his property blocking his view.

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Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 1055 hours. The interview took place at Pico Rivera Station. His interview was digitally recorded and a copy of the audio is included with this case.

Witness [redacted] lives at [redacted] Maris with his [redacted] and his [redacted] Witness [redacted] stated he stays in the southwest bedroom and was awakened by people banging on his bedroom window, walls, and front door. He believed it was the deputies banging on his home as he was later detained inside the home by deputies. Witness [redacted] stated he did not hear any gunshots.

Witness [redacted] said at no time did he allow Suspect Viera inside his home or take any items from him.

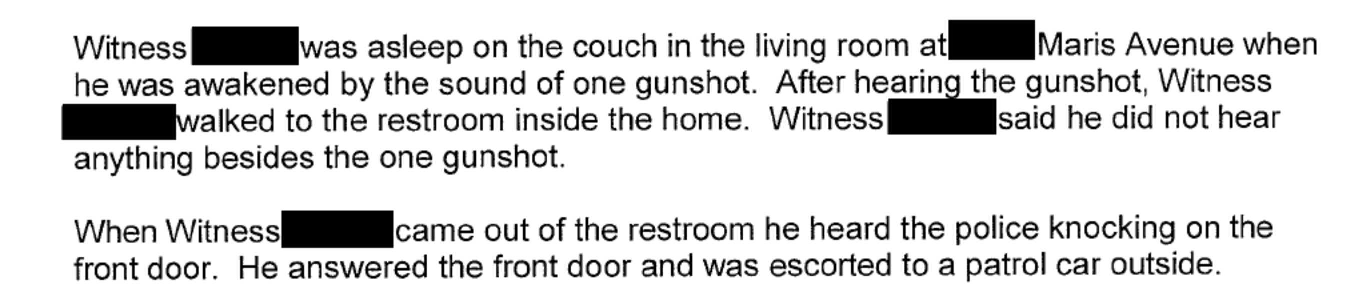
Witness [redacted] was interviewed by Operation Safe Streets Detective Calderon and Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 0816 hours. The interview took place in the living room of [redacted] Maris Avenue. Her interview was digitally recorded and a copy of the audio is included with this case.

Witness [redacted] was asleep in the southwest bedroom of [redacted] Maris Avenue and was awakened by the sounds of gunshots. After the gunshots she heard a female yelling "Angel." Shortly after the shots she heard someone knocking on the back door of her house. She was later detained in the living room of her home by deputies. Witness [redacted] did not witness the shooting.

Witness [redacted] FH/87, lives with her at [redacted] Maris Avenue. Witness [redacted] stated her [redacted] suffers from extreme dementia and is unable to communicate. Sergeant Slade Carrizosa and Hector Velasquez confirmed [redacted] condition.

Witness [redacted] was interviewed by Internal Affairs Bureau Sergeants Slade Carrizosa and Hector Velasquez the day of the shooting, February 11, 2012, at 0838 hours. The interview took place on Maris Avenue just outside a patrol car that he was being detained in. His interview was digitally recorded and a copy of the audio is included with this case.

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Witness [redacted] was asleep on the couch in the living room at [redacted] Maris Avenue when he was awakened by the sound of one gunshot. After hearing the gunshot, Witness [redacted] walked to the restroom inside the home. Witness [redacted] said he did not hear anything besides the one gunshot.

When Witness [redacted] came out of the restroom he heard the police knocking on the front door. He answered the front door and was escorted to a patrol car outside.